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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,785	06/14/2001	Michael Tucker	PA1932	1613

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,785

Applicant(s)

TUCKER ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in regards to the Reply received on 11 April 2005.
2. The application has been examined. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, and 5-10** are rejected under 35 U.S.C. 102(e) as being anticipated by Broussard et al. (Broussard), U.S. Patent No. 6,317,776.
4. Regarding **claim 1**, Broussard discloses a system, comprising: a videoconferencing unit that creates data in a format appropriate for real time transport [see Broussard, Col. 4, lines 57-63] a processor [see item 30] that receives the data and reassembles the data into a format appropriate for standard media on computer systems [see Broussard, Col. 6, lines 14-35]. By this rationale **claim 1** is rejected.
5. Regarding **claim 2**, Broussard discloses wherein the data is compressed [see Broussard, Col. 5, lines 8-9]. By this rationale **claim 2** is rejected.
6. Regarding **claim 5**, Broussard discloses *wherein the reassembled data is stored on a server* (Broussard teaches packetized received data over the network that is received from the terminal), [see Broussard, Col. 4, lines 33-43]. By this rationale **claim 5** is rejected.
7. **Claim 6** list all the same elements of **claim 1** but in processor form rather than system form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 1**.

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8. **Claim 7** list all the same elements of **claim 1** but in method form rather than system form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 1**.

9. Regarding **claim 8**, Broussard discloses wherein the step of reassembling the data into a format appropriate for standard media on computer systems is accomplished through the steps of: determining whether a frame of data appropriate for a real time transport protocol contains audio or video data [see Broussard, Col. 5, lines 1-8]; buffering audio data when a frame of data contains audio data [see Broussard, Col. 6, lines 14-35]; buffering video data when a frame of data contains video data [see Broussard, Col. 6, lines 13-25]; creating data in a format appropriate for standard media on computer systems that includes the buffered audio data [see Broussard, Col. 6, lines 15-35]; determining whether data in a format appropriate for standard media on computer systems should include the buffered video data [see Broussard, Col. 6, lines 15-35]; and creating data in a format appropriate for standard media on computer systems that includes the buffered video data if it is determined that the buffered video data should be included [see Broussard, Col. 6, lines 35-45]. By this rationale **claim 8** is rejected.

10. Regarding **claim 9**, Broussard discloses wherein the data is compressed [see Broussard, Col. 5, lines 8-9]. By this rationale **claim 9** is rejected.

11. Regarding **claim 10**, Broussard discloses *wherein the data is compressed* [see Broussard, Col. 5, lines 8-9]. By this rationale **claim 10** is rejected.

12. Regarding **claim 14**, Broussard discloses *further comprising the steps of causing the reassembled data to be stored on a server* (Broussard teaches packetized received data over the

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network that is received from the terminal), [see Broussard, Col. 4, lines 33-43]. By this rationale **claim 14** is rejected.

13. Regarding **claim 15**, Broussard discloses *further comprising the steps of causing the reassembled data to be stored on a server* (Broussard teaches packetized received data over the network that is received from the terminal), [see Broussard, Col. 4, lines 33-43]. By this rationale **claim 15** is rejected.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 3, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard in view of Mizoguchi, U.S PG PUB 2002/0054215.

16. Regarding **claim 3**, Broussard discloses the invention substantially as claimed. However, Broussard does not explicitly disclose wherein the data is compressed with H.263.

17. In the same field of endeavor, Mizoguchi discloses (e.g., image transmission apparatus transmitting image corresponding to terminal). Mizoguchi discloses *wherein the data is compressed with H.263 format* [see Mizoguchi, section 0041].

18. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Mizoguchi's teachings of an image transmission apparatus transmitting image corresponding to terminal with the teachings of Broussard, for the purpose of preventing an increase in network traffic as well as an increase

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load on the transmission apparatus [see Mizoguchi, section 0010]. By this rationale **claim 3** is rejected.

19. Regarding **claim 11**, Broussard-Mizoguchi further discloses *wherein the data is compressed with H.263 format* [see Mizoguchi, section 0041]. By this rationale **claim 11** is rejected.

20. Regarding **claim 12**, Broussard-Mizoguchi further discloses *wherein the data is compressed with H.263 format* [see Mizoguchi, section 0041]. By this rationale **claim 12** is rejected.

Claim Rejections - 35 USC § 103

21. **Claims 4, 16, and 17-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard in view of Walters et al. (Walters), U.S. PG PUB 2001/0052019.

22. Regarding **claim 4**, Broussard discloses the invention substantially as claimed. However, Benslimane does not explicitly disclose wherein the reassembled data can be delivered as an email attachment.

23. In the same field of endeavor, Walters discloses (e.g., video mail delivery system). Walters Broussard discloses *wherein the reassembled data can be delivered as an email attachment* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025].

24. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Walters' teachings of video mail delivery system with the teachings of Broussard, for the purpose of By this rationale **claim 4** is rejected.

25. Regarding **claim 16**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes a hyperlink to the reassembled data stored on the server* [see

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Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 16** is rejected.

26. Regarding **claim 17**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes a hyperlink to the reassembled data stored on the server* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 17** is rejected.

27. Regarding **claim 18**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes the reassembled data as an attachment* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 18** is rejected.

28. Regarding **claim 19**, Broussard-Walters further discloses *further comprising the step of creating an e-mail that includes the reassembled data as an attachment* [see Walters, abstract, sections 0002, 0014, 0015, 0024 and 0025]. By this rationale **claim 19** is rejected.

29. Regarding **claim 20**, discloses *wherein the data received in a format appropriate for a real time transport protocol is generated in response to a failed attempt at a videoconference* [Walters, section 0032]. By this rationale **claim 20** is rejected.

30. Regarding **claim 21**, Walters discloses *wherein the data received in a format appropriate for a real time transport protocol is generated in response to a failed attempt at a videoconference* [Walters, section 0032]. By this rationale **claim 21** is rejected.

Claim Rejections - 35 USC § 103

31. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard-Mizoguchi as applied to claim 7, 8 and 12 above, and further in view of Goodwin, III, U.S. Patent No. 6,532,232.

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32. Regarding **claim 13**, Broussard discloses the invention substantially as claimed.

However, Broussard-Mizoguchi does not explicitly disclose further comprising the step of creating data in a format appropriate for standard media on computer systems that includes an empty video frame command if it is determined that buffered data should not be included.

33. In the same field of endeavor, Goodwin discloses (e.g., method and system for transporting audio/video data over a bus). Goodwin *further comprising the step of creating data in a format appropriate for standard media on computer systems that includes an empty video frame command if it is determined that buffered video data should not be included* [see Goodwin, Col. 9, lines 63-67 and Col. 10, lines 1-8].

34. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Goodwin's teachings of a method and system for transporting audio/video over a bus with the teachings of Broussard-Mizoguchi, for the purpose of providing a system and method for efficiently transmitting data packets without significant processor utilization [see Goodwin, Col. 4, lines 7-10]. By this rationale **claim 13** is rejected.

Response to Arguments

35. Applicant's arguments filed on 11 April 2005 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention. Applicant's arguments include:

- A. Applicant argues that Broussard does not teach or suggest any apparatus or method that reassembles data into a format appropriate for standard media on computer systems.

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B. Applicant further argues that Broussard teaches away from the present invention.

C. Applicant also contends that neither Broussard nor Mizoguchi teaches or suggests any apparatus or method that reassembles data created in a format appropriate for a real time transport protocol into a format appropriate for standard media on computer systems.

36. As to "Point A", it is the position of the Examiner that Broussard clearly teaches an apparatus or method that reassembles data into a format appropriate for standard media on computer systems [see Broussard, Col. 6, lines 14-35]. Thus, the combination of each of the references utilized in the rejection of the claims further teaches real time transport protocol [see Broussard, Col. 5, lines 46-67 and Col. 6, lines 1-8]. Therefore, it is clear that the features in which Applicant argues are not taught by the references used in the rejection are clearly taught in the Examiner's opinion.

37. With regards to "Points B and C, these arguments are substantially the same as that of Point A and thus have already be addressed based upon the same response as in the response to Point A, above.

38. Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Broussard, Mizoguchi, Walters and Goodwin as well as

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other cited prior arts of records disclosed, apparatus or method that reassembles data into a format appropriate for standard media on computer systems as well as other claimed features of Applicant's invention. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention. Furthermore, the Examiner has attempted to look within Applicant's specification for unique features that would further advance prosecution of the application. However, these features to which applicant claims are extremely well known as well as anticipated within the networking art. If Applicant is able to provide further distinguishing features that they further fill would advance prosecution of the application the examiner would greatly appreciate them in doing so.

39. Applicant has had numerous opportunities to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

40. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the

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disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

41. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Conclusion

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

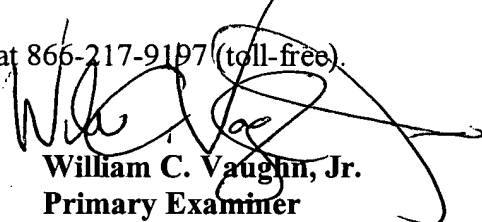
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
22 June 2005

WCV